

REPORTS ANALYSIS REFERRAL

04L-04

DATE: May 25, 2004

ANALYST: Dayna C. Brown

I. COMMITTEE: Pro-Life Campaign Committee
(C00355958)
Pablo Gersten, Treasurer
P.O. Box 650248
Sterling, VA 20165

II. RELEVANT STATUTES: 2 U.S.C. §434(a) (11) (A) (i)
2 U.S.C. §434 (a) (4) (i) (iv)
11 CFR §104.5 (c) (1) (i) (A)
11 CFR §104.5 (c) (2) (i) (B)
11 CFR §104.18 (a) (1) (i) and (ii)
11 CFR §104.18 (a) (2)
11 CFR §111.30 through 111.46

III. BACKGROUND:

Chronic Failure to File Reports

The Pro-Life Campaign Committee ("the Committee") submitted its 2001 Year-End Report and its 2002 April and July Quarterly Reports on paper. The Committee exceeded the electronic filing threshold during the 2001 Year-End reporting period and was therefore required to file each of these reports electronically. The reports were consequently considered 'not-filed' by the Commission and the Committee received a 'Failure to File' notice for each of the reports. The Committee also received a 'Failure to File' notice referencing its 2002 October Quarterly Report.

The Committee initially filed reports disclosing \$182,580 in total receipts and \$71,883 in total disbursements for the 2001-2002 election cycle. In November 2002 and January 2003, the Committee treasurer called the Reports Analysis Division (RAD) for assistance in filing electronically (Attachment 2). On February 10 and 11, 2003, the Committee disclosed additional activity for each report required in the 2001-2002 cycle. With the filing of these reports, the Committee divulged a substantial increase in activity, with the disclosure of more than \$5 million in both total receipts and total disbursements.

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2001 Mid-Year Report

On July 30, 2001, the Committee filed a 2001 Mid-Year Report disclosing \$38,756 in receipts and \$26,754 in disbursements (Image # 21037244026).

2001 Year-End Report

On January 29, 2002, the Committee filed a paper 2001 Year-End Report disclosing \$55,961 in receipts and \$11,629 in disbursements (Image # 22037431023). With reported receipts greater than \$50,000, the Committee was required to file this report electronically. As such, the paper 2001 Year-End Report was reclassified as a miscellaneous document (MS-T) within the FEC database.

On February 26, 2002, a 'Failure to File an Original Report in an Electronic Format' notice (MS-P) was sent to the committee notifying them that the reporting requirement would not be satisfied until the report was filed in an electronic format (Image # 22037484044). On March 8, 2002, a 'Failure to File' notice (RQ-7) was sent to the Committee referencing the 2001 Year-End Report (Image # 22037501434).

The Administrative Fine process for the 2001, Year-End Report began on June 17, 2002 with the sending of Reason-to-Believe (RTB) mailgrams.

On February 10, 2003, well after the Administrative Fine process was completed for 2001 Year-End Report, the Committee electronically filed an amendment disclosing \$926,837 in receipts and \$891,630 in disbursements for the 2001 Year-End reporting period (Image # 23990366163).

2002 April Quarterly Report

On May 6, 2002, the Committee received a 'Failure to File' notice (RQ-7) referencing the 2002 April Quarterly Report (Image #22037581154). On July 21, 2002, the Committee filed a paper 2002 April Quarterly Report disclosing \$46,458 in receipts and \$20,723 in disbursements (Image #22037670432). Having met the mandatory electronic filing threshold during the 2001, Year-End reporting period, the Committee was required to file this and all subsequent reports for the next two full calendar years, electronically. On August 1, 2002, the Committee was sent a 'Failure to File an Original Report in an Electronic Format' notice (MS-P) notifying them that the reporting requirement would not be satisfied until the report was filed in an electronic format (Image # 22037691986). On May 6, 2002, a 'failure to file' notice (RQ-7) was sent to the Committee referencing the 2002 April Quarterly Report (Image #22037581154). The paper 2002 April Quarterly Report was reclassified as a MS-T within the FEC database.

The Administrative Fine process for the 2002 April Quarterly Reports began on September 10, 2002 with the sending of RTB mailgrams. The Committee was not included in this process because the Commission did not consider the Committee's paper 2001 Year-End Report (filed January 29, 2002) or paper 2002 April Quarterly Report (filed July 21, 2002) sufficient in satisfying the filing requirements since both reports were required to be filed electronically. The Commission was therefore unable to use activity disclosed on these reports to determine the Committee's eligibility for inclusion in the Administrative Fines program.

On February 11, 2003, well after the Administrative Fine process was completed for the 2002 April Quarterly Reports, the Committee filed an electronic amendment disclosing \$1,004,813 in receipts and \$975,014 in disbursements for the 2002 April Quarterly reporting period (Image #23990367440).

2002 July Quarterly Report

On July 19, 2002, the Committee filed a paper 2002 July Quarterly Report disclosing \$41,405 in receipts and \$12,777 in disbursements (Image #22307661973). Having met the mandatory electronic filing threshold during the 2001 Year-End reporting period, the Committee was required to file this and all subsequent reports for the next two full calendar years, electronically. On August 1, 2002, the Committee was sent a 'Failure to File an Original Report in an Electronic Format' notice (MS-P) notifying them that the reporting requirement would not be satisfied until the report was filed in an electronic format (Image # 22037691986). On August 2, 2002, the Committee was sent a 'Failure to File' notice (RQ-7) referencing the 2002 July Quarterly Report (Image # 22037694081). The paper report was reclassified as a MS-T within the FEC database.

The Administrative Fine RTB mailgrams for the 2002 July Quarterly Report were sent to applicable committees on October 31, 2002. The Committee was not included in this process because the Commission did not consider the Committee's paper 2001 Year-End Report (filed January 29, 2002), paper 2002 April Quarterly Report (filed July 21, 2002) or paper 2002 July Quarterly Report (filed July 19, 2002) sufficient in satisfying the filing requirements since the reports were required to be filed electronically. The Commission was therefore unable to use the activity disclosed on these reports to determine the Committee's eligibility for inclusion in the Administrative Fine program.

On February 10, 2003, well after the Administrative Fine process was completed for the 2002 July Quarterly Reports, the Committee filed an electronic amendment disclosing \$733,049 in receipts and \$706,144 in disbursements for the 2002 July Quarterly reporting period (Image #23990366198).

2002 October Quarterly Report

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On November 4, 2002, the Committee received a 'Failure to File' notice (RQ-7) referencing its 2002 October Quarterly Report (Image #22037840556).

The Administrative Fine process for 2002 October Quarterly Reports began on December 30, 2002 with the sending of RTB mailgrams to all applicable committees. The Committee was not included in this process because the Committee had not yet filed a 2002 October Quarterly Report. Additionally, the Commission did not consider the Committee's paper 2001 Year-End Report (filed January 29, 2002), paper 2002 April Quarterly Report (filed July 21, 2002) or paper 2002 July Quarterly Report (filed July 19, 2002) sufficient in satisfying the filing requirements since the reports were required to be filed electronically. The Commission was therefore unable to use activity disclosed on these reports to determine the Committee's eligibility for inclusion in the Administrative Fine program.

On February 11, 2003, well after the Administrative Fine process was completed for the 2002 October Quarterly Reports, the Committee filed an electronic amendment disclosing \$636,542 in receipts and \$625,413 in disbursements for the 2002 October Quarterly reporting period (Image #23990367631).

In May of 2003, the Committee filed additional electronic amendments to its 2001 Mid-Year and Year-End Reports, as well as its 2002 April, July and October Quarterly Reports.

The Committee's 2002 30 Day Post-General and Year-End Reports are currently involved in the Administrative Fine program. Specifically, the committee was assessed a civil money penalty of \$12,000.00 for the 2002, 30 Day Post-General report. The RTB mailgram was sent to the Committee on March 2, 2003. The Committee sent in a challenge to the Office of Alternative Resolution (OAR) on June 12, 2003. OAR circulated a recommendation to the Commission on April 12, 2004 to uphold the assessed monetary penalty.

The Committee was also assessed a civil money penalty of \$6,000.00 for the 2002 Year-End Report. The RTB mailgram was sent to the Committee on July 7, 2003. The Committee subsequently sent in a challenge on August 8, 2003 to the Office of Alternative Resolution (OAR). OAR circulated a recommendation to the Commission on April 12, 2004 to uphold the assessed civil monetary penalty.

All communication logs between the Committee and the FEC are included within this referral and designated as attachment 3. The most recent telephonic communication occurred on April 12, 2004.

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PRO - LIFE CAMPAIGN COMMITTEE
Gersten, Pablo
FILING FREQUENCY: QUARTERLY

PO BOX 650248

STERLING

NON-PARTY QUALIFIED
VA 20165

ID #C00355958

FORM TYPE	RPT TYPE	AI	PGI	REC DATE	PGS	BEG IMAGE	COVERAGE DATES	BEG CASH	RECEIPTS	DISBURSE	END CASH	DEBTS BY
1		A		2/07/2003	5	23990358714						
1		M		2/10/2003	1	23990364393						
MS		T		3/13/2003	1	23990524340						
MS		T		3/19/2003	1	23990557827						
MS		T		4/16/2003	2	23990763598						
MS		T		4/16/2003	5	23038053700						
MS		T		5/09/2003	2	23990883131						
MS		T		3/22/2004	2	24990859715						
MS		T		3/26/2004	2	24990892774						
MS		T		4/13/2004	2	24990967390						
RQ	MY	2		3/03/2004	5	24038333193	1/01/2003 6/30/2003					
RQ	YE	2		3/17/2004	4	24038341537	7/01/2003 12/31/2003					
3	MY	N	P	7/28/2003	103	23991568727	1/01/2003 6/30/2003	145736	3057893	2968468	235161	0
3	YE	N	P	1/29/2004	76	24990241854	7/01/2003 12/31/2003	230161	1339575	1331794	237942	0
3	YE	A	P	3/22/2004	6	24038343898	7/01/2003 12/31/2003	-	-	-	-	-
3	YE	A	P	3/26/2004	76	24990892690	7/01/2003 12/31/2003	235161	1339574	1331794	242941	0
3	Q1	N	P	4/07/2004	26	24990932435	1/01/2004 3/31/2004	242941	555314	549353	248901	0
TOTAL									4952781	4849615		

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PRO - LIFE CAMPAIGN COMMITTEE
PABLO GERSTEN
FILING FREQUENCY: QUARTERLY

P.O. Box 650248

STERLING

NON-PARTY QUALIFIED
VA 20165

ID #C00355958

FORM TYPE	RPT TYPE	AI	PGI	REC DATE	PGS	BEG IMAGE	COVERAGE DATES		BEG CASH	RECEIPTS	DISBURSE	END CASH	DEBTS BY
3	YE	N	P	2/10/2003	31	23990366163	7/01/2001	12/31/2001	29980	926837	891630	65186	0
3	YE	A	P	5/09/2003	36	23990882979	7/01/2001	12/31/2001	28562	924061	891206	61417	0
3	Q1	N	P	2/11/2003	25	23990367440	1/01/2002	3/31/2002	65186	1004813	975014	94985	0
3	Q1	A	P	5/13/2003	26	23990894383	1/01/2002	3/31/2002	61417	996671	975014	83074	0
3	Q2	N	P	2/10/2003	23	23990366198	4/01/2002	6/30/2002	94985	733049	706144	121890	0
3	Q2	A	P	5/09/2003	23	23990883015	4/01/2002	6/30/2002	83074	737525	706329	114270	0
3	12P	N	P	2/11/2003	14	23990367617	7/01/2002	7/31/2002	121890	104383	119735	106537	0
3	12P	A	P	5/09/2003	14	23990883038	7/01/2002	7/31/2002	114270	90432	103405	101297	0
3	Q3	N	P	2/11/2003	27	23990367631	8/01/2002	9/30/2002	106537	636542	625413	117666	0
3	Q3	A	P	5/09/2003	27	23990883052	8/01/2002	9/30/2002	101297	608621	625413	84505	0
3	30G	N	P	2/10/2003	21	23990364394	10/01/2002	11/25/2002	117666	664430	644928	137169	0
3	30G	A	P	5/09/2003	21	23990883110	10/01/2002	11/25/2002	84505	683995	644928	123572	0
3	YE	N	P	2/10/2003	18	23990364316	11/26/2002	12/31/2002	137169	423808	408422	152555	0
3	YE	A	P	5/13/2003	18	23990895064	11/26/2002	12/31/2002	123572	428488	406323	145736	0
TOTAL										5309353	5181175		

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PRO - LIFE CAMPAIGN COMMITTEE
PABLO GERSTEN
FILING FREQUENCY. QUARTERLY

16 BICKEL COURT

STERLING

NON-PARTY QUALIFIED
VA 20165

ID #C00355958

FORM TYPE	RPT TYPE	AI	PGI	REC DATE	PGS	BEG IMAGE	COVERAGE DATES	BEG CASH	RECEIPTS	DISBURSE	END CASH	DEBTS BY
1		N		3/31/2000	2	20035383365						
MS		2		10/10/2000	2	20036083393						
RQ		1		4/12/2000	2	20035410700	4/12/2000					
RQ		6		5/04/2000	3	20035564339	5/04/2000					
RQ	Q2	7		8/03/2000	2	20035924672	4/01/2000 6/30/2000					
RQ	12G	2		10/10/2001	2	21037330546	10/01/2000 10/18/2000					
RQ	12G	3		12/20/2001	3	21037364847	10/01/2000 10/18/2000					
RQ	YE	2		10/10/2001	2	21037330548	11/28/2000 12/31/2000					
RQ	YE	3		12/20/2001	4	21037364850	11/28/2000 12/31/2000					
3	Q2	N	P	3/07/2003	6	23038010442	4/01/2000 6/30/2000	0	0	0	0	-
3	Q3	N	P	10/06/2000	5	20036091061	7/01/2000 9/30/2000	14388	13314	500	27202	-
3	Q3	A	P	4/08/2003	11	23038041100	7/01/2000 9/30/2000	0	214507	206161	8346	0
3	12G	N	P	10/27/2000	7	20036422819	10/01/2000 10/18/2000	27202	4693	7098	24797	-
3	12G	A	P	3/07/2003	12	23038010427	10/01/2000 10/18/2000	27202	4693	6098	25797	-
3	12G	A	P	4/08/2003	12	23038041088	10/01/2000 10/18/2000	8346	61048	61254	8139	0
3	30G	N	P	12/08/2000	7	20036662360	10/19/2000 11/27/2000	24797	15210	6129	33879	-
3	YE	N	P	2/02/2001	6	21036861022	11/28/2000 12/31/2000	879	6249	3500	36629	-
3	YE	A	P	3/07/2003	3	23038010439	11/28/2000 12/31/2000	33879	6249	3500	36629	-
3	YE	A	P	4/08/2003	11	23038041065	11/28/2000 12/31/2000	15368	133142	130950	17559	-
TOTAL									423907	404494		

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